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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,618	01/15/2004	Stephen K. Herron	1776-0015	5782

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Maginot, Moore & Beck LLP  
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111 Monument Circle  
Indianapolis, IN 46204-5109

EXAMINER
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DALEY, CLIFTON G

ART UNIT	PAPER NUMBER
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2624

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/758,618

Applicant(s)

HERRON, STEPHEN K.

Examiner

Clifton G. Daley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/15/2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 7 and 16 are objected to because of the following informalities: The ordinary meaning of the term "Calorimetric", which pertains to temperature, is not understood in the context of the recited claims. As best understood by the examiner, the term "Calorimetric" has the meaning of the term "Colorimetric", which pertains to color, and will be so interpreted for the purposes of examination. Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "... a bus **32**", referenced in paragraph 0017, line 8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because elements referenced by signs **68** and **70** in Fig. 2 do not match the description provided in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al. (Hereinafter "Harrington": US 6185013) in view of Tuijn et al. (Hereinafter Tuijn": US 6058207).

**Regarding claims 1 and 8**, Harrington teaches a method and analogous system for generating highlight image data from grayscale image data comprising: selecting a highlight (**column 4, line 67 to column 5, line 2**) for conversion of grayscale image data (**column 1, lines 32-35, i.e. shades varying from dark to light**).

Harrington does not specifically teach the further limitation of generating device independent color space data that corresponds to the selected highlight.

However, Tuijn discloses the method of generating device independent color space data that corresponds to the selected highlight (**column 8, lines 19-23**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tuijn's method with Harrington's teaching, the motivation to combine being to accurately specify the actual color produced independent of the device (**Tuijn: column 7, lines 31-32**).

**Regarding claims 2 and 9**, Harrington in combination with Tuijn teaches the method and analogous system of claim 1, the highlight selection further comprising: using a document plug-in program to select the highlight (**Tuijn: column 6, lines 31-34**).

6. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington in combination with Tuijn as applied to claim 1 above, and further in view of Masaki (US 6775408).

**Regarding claims 3 and 10**, Harrington in combination with Tuijn teaches the method and analogous system of claim 1.

Harrington in combination with Tuijn does not explicitly disclose the highlight selection further comprising: selecting a grayscale image file for highlight conversion.

However, Masaki discloses an imaging system further comprising: selecting a grayscale image file for highlight conversion (**column 3, lines 32-34**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Masaki's file selecting method with the combined teaching of Harrington and Tuijn, the motivation to combine being to provide flexibility in image processing.

7. Claims 4-7 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington in view of Tuijn as applied to claim 1 above, and further in view of Marsden et al. (Hereinafter "Marsden": US 6225974).

**Regarding claims 4, 11 and 12**, Harrington in combination with Tuijn teaches the method and analogous system of claim 1, the device independent color space data generation further comprising: generating first device independent color space data from grayscale image data (**Harrington: column 5, lines 3-5**).

Harrington in combination with Tuijn does not disclose generating second device independent color space data from the first device independent color space data.

However, Marsden discloses generating second device independent color space data from the first device independent color space data **(Fig. 3, i.e. XYZ to Lab)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a second device independent color space data from the first device independent color space data, the motivation being to provide for flexibility in matching between multiple input devices and multiple output devices **(Marsden: column 3, lines 23-32)**.

**Regarding claims 5 and 13**, Harrington in combination with Tuijn and in view of Marsden teaches the method and analogous system of claim 4, the first device independent color space data generation further comprising: converting grayscale data to the first device independent color space in accordance with a device dependent profile **(Marsden: column 5, line 65 to column 6, line 3)**.

**Regarding claims 6 and 14**, Harrington in combination with Tuijn and in view of Marsden teaches the method and analogous system of claim 5, the second device independent color space data generation further comprising: converting the first device independent color space data to second device independent color space data in accordance with a device independent profile **(Marsden: column 8, lines 48-67)**.

**Regarding claims 7, 15 and 16**, Harrington in combination with Tuijn and in view of Marsden teaches the method and analogous system of claim 6 wherein the

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device dependent profile is for converting grayscale data to CIE XYZ color space data **(Marsden: column 2, lines 55-59)** and the device independent profile is for converting CIE XYZ color space data to calorimetric RGB color space data **(Marsden: column 7, lines 9-14)**.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holmes (US 6459501) discloses the use of device dependent and device independent color spaces. Estrada (US 6646763) discloses color space profiles. Geshwind (US 5050984) discloses colorizing gray scale images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifton G. Daley whose telephone number is 571-270-3144. The examiner can normally be reached on Monday - Friday 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2624

CGD  
11/13/2007



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